

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DEBORAH BROWN**

**v.**

**STARWOOD HOTELS & RESORTS  
WORLDWIDE, INC., T/A BWI  
AIRPORT MARRIOTT, *et al.*  
Defendants**

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**CIVIL ACTION**

**NO.: 02-2690**

**DEFENDANTS' ANSWER TO PLAINTIFF'S AMENDED COMPLAINT IN TRESPASS**

Defendants, Starwood Hotels & Resorts Worldwide, Inc. t/a BWI Airport Marriott, BWI Airport Marriott and Marriott International, Inc. ("Defendants"), by counsel, answers the Plaintiff, Deborah Brown ("Brown" or "Plaintiff"), and states:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Denied. After a reasonable investigation, the Defendants are without sufficient knowledge or information to form a belief as to the truth of the corresponding allegation and, accordingly, such allegation is denied.

8. Denied. It is denied that Defendants' negligence and/or carelessness proximately caused Plaintiff's alleged injuries.

9. Denied. The Defendants are without sufficient knowledge or information to form a belief as to the truth of the corresponding allegation and, accordingly, such allegation is denied.

10. Denied. The Defendants are without sufficient knowledge or information to form a belief as to the truth of the corresponding allegation and, accordingly, such allegation is denied.

11. Denied. The Defendants are without sufficient knowledge or information to form a belief as to the truth of the corresponding allegation and, accordingly, such allegation is denied.

12. Denied. The Defendants are without sufficient knowledge or information to form a belief as to the truth of the corresponding allegation and, accordingly, such allegation is denied.

13. Denied. It is denied that Defendants' negligence and/or carelessness proximately caused Plaintiff's alleged injuries and, accordingly, all such allegations are denied. The allegations of paragraph 13 of Plaintiff's Complaint are further denied on the grounds that they call for legal conclusions.

14. Denied. The Defendants are without sufficient knowledge or information to form a belief as to the truth of the corresponding allegation and, accordingly, such allegation is denied.

15. Denied. The Defendants are without sufficient knowledge or information to form a belief as to the truth of the corresponding allegation and, accordingly, such allegation is denied.

16. Denied. The Defendants are without sufficient knowledge or information to form a belief as to the truth of the corresponding allegation and, accordingly, such allegation is denied.

#### **FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim against the Defendants upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

Plaintiff's causes of action are barred in whole or in part by the applicable statutes of limitations and/or repose.

#### **THIRD AFFIRMATIVE DEFENSE**

Plaintiff's causes of action are barred in whole or in part by laches.

#### **FOURTH AFFIRMATIVE DEFENSE**

The Plaintiff is barred from recovery in this action on the basis of contributory negligence.

**FIFTH AFFIRMATIVE DEFENSE**

The Plaintiff is barred from recovery in this action on the basis of assumption of risk.

**SIXTH AFFIRMATIVE DEFENSE**

If the Plaintiff incurred the injuries as alleged in the Complaint, the same did not result from any action or omission of these Defendants, but such injuries, if any, were caused in whole or in part, or was contributed to, by the acts or omissions of persons other than these Defendants, for whose acts or omissions these Defendants are not liable.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by waiver and/or estoppel.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by release.

Respectfully submitted,

GERMAN, GALLAGHER & MURTAGH

BY: \_\_\_\_\_

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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this \_\_\_\_\_ day of June, 2002 a copy of Defendants' Answer to Plaintiff's Amended Complaint in Trespass was mailed first-class, postage prepaid, to:

Edwin L. London, Esquire  
Matkoff, Shengold, Burke, London, Blyweiss & Arbittier  
2500 Aramark Tower  
1101 Market Street  
Suite 2500  
Philadelphia, Pennsylvania 19107

Attorneys for Plaintiff

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Kim R. Plouffe, Esquire